



W.P. No. 30919 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2024

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 30919 of 2023

and

W.M.P. No. 30561 of 2023

Tamil Evangelical Lutheran Church,
Church Property Recovery Committee,
Represented by D.John Peter Jacob,
S/o. Daniel,
Having office at Door No. 39,
A.T.C. Building,
Gopalapuram,
3rd Street,
Coimbatore.

... Petitioner

-VS-

1. The Revenue District Officer,
Coimbatore,
Coimbatore District.
2. The Commissioner,
Corporation of Coimbatore,
Coimbatore – 641 001.
3. The Executive Engineer,
Corporation of Coimbatore,
Coimbatore – 641 001.
4. The Assistant Engineer,
Corporation of Coimbatore,
Coimbatore – 641 001.
5. M.Asalam Basha

... Respondents



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Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, forbearing the Second to Fourth Respondents from interfering with my peaceful possession of the property in respect of the lands in S. No. 581, 582/1. 582/2 situated at Kurichi Village, Coimbatore Taluk, Coimbatore District to an extent of 10 acres and also to remove the underground drainage pipeline laid unauthorized in Petitioner's property by considering my representation dated 22.09.2023.

For Petitioner : Mr. M.Guruprasad
for M/s. B.Kavya

For Respondents : Mr. S.Prabhakaran,
Government Advocate (for R1)

Mr. D.Ferdinand,
Standing Counsel (for R2 to R4)

Mr. S.Makesh (for R5)

O R D E R

Heard Mr. M.Guruprasad, Learned Counsel for the Petitioner, Mr. S.Prabhakaran, Learned Government Advocate appearing for the First Respondent, Mr. D.Ferdinand, Learned Standing Counsel appearing for the Second to Fourth Respondents and Mr. K.Makesh, Learned Counsel for the Fifth Respondent and perused the materials placed on record, apart from the pleadings of the parties.



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2. The Petitioner seeks to restrain the Second to Fourth Respondents from interfering with the peaceful possession of the property in respect of the lands in S. No. 581, 582/1. 582/2 situated at Kurichi Village, Coimbatore Taluk, Coimbatore District to an extent of 10 acres belonging to him and remove the underground drainage pipeline laid unauthorizedly in its property by considering the representation dated 22.09.2023, but no document has been produced to prove its ownership over that property.

3. Learned Standing Counsel appearing for the Second to Fourth Respondents, on instructions, states that the pipeline mentioned by the Petitioner has been laid by the Tamil Nadu Water Supply and Drainage Board, which has not been made as a Respondent in this case.

4. In view of the same, Learned Counsel for the Petitioner seeks permission of the Court to withdraw the Writ Petition reserving the rights of the Petitioner to work out its rights before the proper forum by producing relating documents and impleading all necessary parties and he has made an endorsement to that effect in the court record.



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In fine, the Writ Petition is dismissed as withdrawn with the aforesaid clarifications. Consequently, the connected Miscellaneous Petition is closed.

No costs.

12.03.2024

Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 28.03.2024.

vjt

To

1. The Revenue District Officer,
Coimbatore,
Coimbatore District.
2. The Commissioner,
Corporation of Coimbatore,
Coimbatore – 641 001.
3. The Executive Engineer,
Corporation of Coimbatore,
Coimbatore – 641 001.
4. The Assistant Engineer,
Corporation of Coimbatore,
Coimbatore – 641 001.



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P.D. AUDIKESAVALU, J.

vjt

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